IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WA.No. 1327 of 2007()

AGAINST THE JUDGEMENT IN OP.19788/2002 Dated 20/06/2006
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APPELLANT: PETITIONER IIN OP:

T. GOMATHY,
RETIRED NURSING ASSISTANT (DRESSER),
ROADUVILA VEEDU, NADAKKAL, KALLUVATHUKKAL P.O.,
KOLLAM DISTRICT.

BY ADV. SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.C.X.ANTONY BENEDICT.
SMT.POOJA SURENDRAN
SRI.PRADEEP KRISHNA

RESPONDENTS: RESPONDENTS IN OP:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
LABOUR AND REHABILITATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR,
INSURANCE MEDICAL SERVICE, THIRUVANANTHAPURAM.

BY SRI. SANDESH RAJA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No. 1327 of 2007
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Dated this the 27th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Petitioner claims the benefit of Rule 60(b) Part I of Kerala Service Rules and submitted that she ought to have been permitted to continue in service till she attained the age of 60. Even though petitioner was appointed as Class IV, later she was promoted to the post of Nursing Assistant, which is Class III category. Counsel for the appellant relied on an order in C.M.P.No.1434 of 1996 in W.A.No.501 of 1996 wherein it is directed that the Government may also take note of the fact that the appellant therein is one in the vanishing group of Dresser/Nursing Assistant who claim the benefit of Rule 60(b) Part I K.S.R. W.A.No.501 of 1996 was disposed of by Ext.P3 judgment holding that the Government had invoked Rule 39 of the General Rules of K.S.S.R. 1958 which would show that Nursing Assistant is not

a post coming under Class IV category.

We find no error in the judgment of the learned single Judge. Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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